

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA

Case No. 1:18-cr-99

Plaintiff,

v.

Hon. Robert J. Jonker

MARK ANDREW McMICHAEL

Defendant(s).

**GOVERNMENT'S**  
**INITIAL PRETRIAL CONFERENCE**  
**SUMMARY STATEMENT**

I. DISCOVERY

A. Statements of Defendant

1. Oral Statements (Rule 16(a)(1)(A))

There are no written records of oral statements or other oral statements as defined in Rule 16(a)(1)(A).  
 There are the following written records of oral statements:

12/1/17 Interview by ATF

The substance of which

has been disclosed to defense counsel.  
 will be disclosed to defense counsel by May 18, 2018.

2. Written or Recorded Statements (Rule 16(a)(1)(B))

There are no written or recorded statements or grand jury testimony of defendant.  
 There are the following written or recorded statements or grand jury testimony:

All written or recorded statements

have been disclosed to defense counsel.  
 will be disclosed to defense counsel by \_\_\_\_\_.

B. Defendant's Prior Record (Rule 16(a)(1)(D))

The Government has made due inquiry and is not aware of any prior criminal record.

The Government has disclosed defendant's prior criminal history.

The Government is now making inquiry into defendant's prior criminal history. The results will be disclosed to defense counsel upon receipt.

C. Documents and Tangible Objects (Rule 16(a)(1)(E))

The Government has no documents, tangible objects, or physical evidence required to be disclosed.

The Government has the following documents, tangible objects, and physical evidence:

Drug Paraphernalia       Drug Records       Inventory (attached)

Controlled Substances: \_\_\_\_\_

Records: \_\_\_\_\_ Mental health and commitment records

Firearms: \_\_\_\_\_ And ammunition. See search warrant return, 1:17-mj-367

Other: \_\_\_\_\_

The Government voluntarily notifies the defendant of the following search warrants issued and the warrant returns:

State

Federal:

Case No. 1:17-mj-367 Re: 339 Sierra Dr., Traverse City MI

Case No. \_\_\_\_\_ Re: \_\_\_\_\_

Case No. \_\_\_\_\_ Re: \_\_\_\_\_

They have been made available for inspection and copying by defense counsel.

Defense counsel should make arrangements with:  
AUSA Nils R. Kessler

D. Reports of Examinations and Tests (Rule 16(a)(1)(F))

The Government has no reports of examinations or tests required to be disclosed by Rule 16.

The Government has or expects to have reports of the following examinations and tests:

Drug Analysis       Handwriting       Fingerprints

DNA       Firearms/Nexus       Gun Operability

Computer Forensics       Other: \_\_\_\_\_

E. Reciprocal Discovery

The Government seeks reciprocal discovery.

F. Notice Under FRE 404(b)

The Government does not presently intend to introduce 404(b) evidence.

The Government does presently intend to introduce the following 404(b) evidence:  
[Redacted]

The Government will provide pretrial notice of 404(b) evidence by \_\_\_\_\_.

G. Other Discovery Matters

[Redacted]

II. TRIAL

A. The Government requests a  jury  non-jury trial.

B. The length of trial excluding jury selection is estimated at \_\_\_\_\_ 2-3 days \_\_\_\_\_.

III. MISCELLANEOUS

This case may be appropriate for expedited resolution.

The Government is unaware at this time of any known conflict with defendant's representation by counsel. The United States will immediately advise counsel if any such conflict becomes known.

The Government is aware of the following potential conflicts:  
[Redacted]

Government's plea negotiation policy:

No consideration for pleas entered less than 4 weeks prior to trial.

Date May 15, 2018

Nils R. Kessler  
Counsel for the United States